



NORMAN Y. MINETA  
**SAN JOSE**  
INTERNATIONAL  
A I R P O R T

March 11, 2003

The Honorable Mayor and City Council  
801 North First Street, Rm 600  
San José CA 95110

Dear Mayor Gonzales and Councilmembers:

At the Airport Commission meeting of March 3, 2003, the Commission approved a resolution (6 – 0; 1 absent) recommending that the City Council adopt a civil action ordinance related to intentional disruptions of the Airport Security System. The purpose is to allow the recovery of the City's costs in responding to such incidents.

A recent episode occurred at the Airport in which a "fake bomb" was deliberately planted in a suitcase. Taunting messages to our security persons were also found (see attachment). As a result of actions like these, terminals may be shut down, flights for all travelers are delayed, and the national airline system is disrupted. In addition, unnecessary expenses are often incurred by Airport staff and police, as well as the US Transportation Security Agency.

As a general principal, without specific legislative authority, the City cannot charge individuals for services provided by City employees. The Airport Commission believes, therefore, that an ordinance is necessary to allow the City to collect costs such as these from the responsible parties, when deemed appropriate. In this recent case, when the U.S. Attorney elected not to prosecute, the lack of such an ordinance left San Jose with no other remedies. We believe that, even if only as a preventive measure, a publicized cost recovery ordinance would be a useful tool to have. We were advised by a member of the public at our March 3 meeting that a number of cities have similar cost recovery ordinances.

Please notify us when the Rules Committee will consider this proposal. Members of the Airport Commission would like to be present to speak in support of the Resolution.

Thank you for your consideration.

Sincerely,

Noel Tebo  
Chair

Norman Y. Mineta San José Int'l Airport

**Attachments**

c: Airport Commissioners  
Ralph Tonseth